



REGISTRAR OF REGULATIONS

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COMMONWEALTH of VIRGINIA

Department of Health
DIVISION OF SHELLFISH SANITATION
109 Governor Street, Room 614-B
Richmond, VA 23219

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NOTICE AND DESCRIPTION OF SHELLFISH AREA CONDEMNATION NUMBER 013-089, UPPER GREAT WICOMICO RIVER

EFFECTIVE 8 DECEMBER 2008

Pursuant to Title 28.2, Chapter 8, §§28.2-803 through 28.2-808, §32.1-20, and §2.2-4002, B.16 of the *Code of Virginia*:

1. The "Notice and Description of Shellfish Area Condemnation Number 013-089, Upper Great Wicomico River," effective 7 April 2008, is cancelled effective 8 December 2008.
2. Condemned Shellfish Area Number 013-089, shown as Sections A through I, is hereby established effective 8 December 2008. It shall be unlawful for any person, firm, or corporation to take shellfish from these areas for any purpose, except by permit granted by the Marine Resources Commission, as provided in Section 28.2-810 of the *Code of Virginia*. The boundaries of these areas are shown on the map titled "Upper Great Wicomico River, Condemned Shellfish Number 013-089, 8 December 2008" which is part of this notice.
3. Seasonally Condemned Shellfish Area Number 013-089, shown as Sections M1 and M2, is hereby established effective 1 April 2009, and shall remain in force annually thereafter for the period beginning the first day of April through the last day of October until rescinded. It is unlawful for any person, firm or corporation to take shellfish from these areas during such period for any purpose, except by permit granted by the Marine Resources Commission, as provided in §28.2-810 of the *Code of Virginia*. The boundaries of these areas are shown on the map titled "Upper Great Wicomico River, Condemned Shellfish Number 013-089, 8 December 2008" which is part of this notice.
4. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this order.

BOUNDARIES OF CONDEMNED AREA NUMBER 013-089

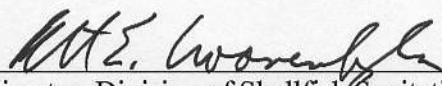
- A. The condemned area shall include that portion of the Great Wicomico River and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°52'02.3", -76°23'37.7") and map coordinate (37°52'08.3", -76°23'18.7").

VDH VIRGINIA
DEPARTMENT
OF HEALTH
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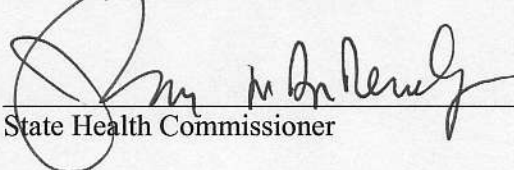
www.vdh.virginia.gov/shellfish

- B. The condemned area shall include all of Betts Mill Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°51'43.7", -76°22'09.4") and map coordinate (37°51'38.9", -76°22'05.3").
- C. The condemned area shall include that portion of Coles Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°51'20.2", -76°21'27.9") and map coordinate (37°51'17.9", -76°21'29.4").
- D. The condemned area shall include all of Horn Harbor and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°51'08.0", -76°20'35.8") and map coordinate (37°51'09.2", -76°20'34.7").
- E. The condemned area shall include that portion of Barrett Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°50'27.6", -76°20'44.5") and map coordinate (37°50'19.1", -76°20'44.3").
- F. The condemned area shall include all of Balls Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°50'52.3", -76°22'22.0") and map coordinate (37°51'00.4", -76°22'19.1").
- G. The condemned area shall include all of Tipers Creek and its tributaries lying upstream of a line drawn between latitude/longitude map coordinate (37°50'46.3", -76°21'37.2") and map coordinate (37°50'46.2", -76°21'25.8").
- H. The condemned area shall include all of an unnamed tributary of Barrett Creek lying upstream of a line drawn between latitude/longitude map coordinate (37°50'31.7", -76°21'09.0") and map coordinate (37°50'26.8", -76°21'02.2").
- I. The condemned area shall include all of an unnamed tributary of the Great Wicomico River lying upstream of a line drawn between latitude/longitude map coordinate (37°51'58.5", -76°23'41.6") and map coordinate (37°51'52.6", -76°23'40.3").
- M1. The condemned area shall include that portion of the Great Wicomico River inland of a line drawn between latitude/longitude map coordinate (37°51'03.1", -76°21'53.5"), map coordinate (37°51'07.8", -76°21'44.5"), and map coordinate (37°51'16.7", -76°21'39.7").
- M2. The condemned area shall include that portion of the Great Wicomico River inland of a line drawn between latitude/longitude map coordinate (37°50'58.6", -76°20'56.4"), map coordinate (37°50'58.5", -76°20'38.4"), and map coordinate (37°51'05.5", -76°20'37.6").

Recommended by:


Director, Division of Shellfish Sanitation

Ordered by:


State Health Commissioner

11/21/06
Date

Virginia Department of Health
Upper Great Wicomico River
Condemned Shellfish Area Number 013-089
8 December 2008

